## REMARKS

This paper is responsive to the Office Action dated June 22, 2004. Claims 1 - 7 are pending in this application. Claims 1 and 5 - 7 are rejected and claims 2 - 4 have been objected to. Reexamination is respectfully requested in light of the following remarks.

### Priority

Applicant appreciates the Examiner's statement that a certified copy Japanese Patent Application 2002-314574 is required. This document was filed with the Patent Office on November 4, 2003 along with an Information Disclosure Statement, including form PTO-1449 and four references. Copies of these papers are attached to this filing along with a photocopies of the stamped receipt from the customer window and the USPTO filing logbook kept by the undersigned. Applicant respectfully requests that the Examiner review the actual paper file and advise the undersigned regarding the November 4, 2003 filing.

Claim 1 has been rejected as being anticipated by Nishimae '546 under 35 USC § 102(e). The Examiner asserts that although not shown, the asymmetric aperture diaphragm (12b) and a lens holder (12) are considered to have "some sort of positioning part" and mating part since the diaphragm is positioned on element (12a) within the lens holder. Applicant respectfully submits that this observation by the Examiner does not provide the necessary teachings which would anticipate Applicant's claim 1.

Applicant's claim 1 is for a diaphragm placing structure. As explained in Applicant's specification, at paragraph 0045, such a placing structure is to prevent improper assembly. Improper assembly is prevented unless the diaphragm aperture is in a predetermined correct position with respect to the optical axis. In the last two lines of page 7 and at the top of page 8, it is explained that improper assembly results in a requirement that a part be returned for proper assembly (reassembly which complicates the operation).

The disclosure in '546 as it relates to diaphragm mounting and lens placement is entirely schematic, with no specific structure shown for either. Therefore, '546 does not take into consideration in any way assembly issues or improper assembly which would require reassembly, as does Applicant. '546 teaches only how to assemble in a laboratory setting.

## Claim 1

Claim 1 differs from '546 where claim 1 lines 4 and 5 recites a lens holder for holding the projection lens into a predetermined direction with respect to the optical axis. There is no teaching or suggestion of a holding of the lens in any particular direction in '546 if for no other reason than that the lenses are all symmetrical about the optical axis and require no particular predetermined direction. However, Applicant requires that the holder for the lens be in a predetermined direction and this is simply not taught or suggested by '546.

Next, in claim 1 Applicant recites the asymmetric aperture diaphragm including a positioning part formed asymmetrical to the optical axis. '546 shows a diaphragm which has an outer perimeter which is purely circular. Being circular, it does not have any ability to position the aperture in any particular location with respect to the optical axis. That is, as disclosed in the schematic representations of '546, there is no indication as to how the asymmetric aperture diaphragm is placed in space.

Next, claim 1 recites a lens holder having a mating part adapted to engage the positioning part only in a state where the asymmetric diaphragm is in the predetermined direction with respect to the optical axis. This ties together the predetermined direction found in line 4 with the prepositioning part found in line 6 in order to place the diaphragm in its predetermined position with respect to the optical axis.

By first positioning the lens holder with respect to the optical axis, and then positioning the asymmetric aperture diaphragm with respect to the lens holder, the asymmetric aperture diaphragm become necessarily placed in the correct position with respect to the optical axis. This thereby eliminates the possible error during assembly as outlined in the discussion of Applicant's specification above. Since the entire mounting apparatus is not shown in '546, it clearly does not anticipate the claimed structure of a predetermined direction of the holder for the projection lens with respect to the optical axis, the mounting of the asymmetric aperture diaphragm on the lens holder were the aperture diaphragm is in the predetermined direction with respect to the optical axis. It is respectfully submitted that '546 neither anticipates nor would render obvious Applicant's claimed invention as set forth in claim 1.

Still further, claim 6 and 7 which depend from claim 1 are clearly patentable for the reasons stated above with respect to claim 1.

## Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 2 - 4 would be allowable if rewritten in independent form.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,

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